

REMARKS

Claims 1-26 were pending in this application. All claims were rejected. Claims 1, 3-6, 8, 11, 12, 15-17, and 19 were amended herein. Claims 9, 10, 18, and 25-27 have been cancelled. Reconsideration of the rejections of all pending claims is requested.

I. Objection to the Abstract

The Abstract was objected to due to a typographical error. The error has been corrected. The applicant requests reconsideration of the objection.

II. Objection to Claim 19

Claim 19 was objected to due to a typographical error. Claim 19 has been amended to overcome the error. Reconsideration of the objection is requested.

III. Rejection of Claims 1-27 Under 35 U.S.C. §102(e)

Claims 1-27 were rejected under 35 U.S.C. §102(e) as being anticipated by Groath (U.S. 6,571,285).

The office action implied that limitations may exist with respect to the term "adapted to" in claims 1-7. The term has been removed from the claims.

CLAIM 1

Claim 1, as amended herein, is restated as follows:

An electronic network comprising:

a first electronic device associated with a second electronic device, said association providing for the transfer of data between said first electronic device and said second electronic device;

a third electronic device, wherein said third electronic device:

loads a probe in said first electronic device, wherein said probe causes said first electronic device to: transmit data to said second electronic device, measure the response time of data transfers between said first electronic device and said second electronic device, and transmit said response time to said third electronic device;

compares the measured response time to a preselected response time; and

provides an indication if said measured response time is greater than said preselected response time.

Some portions of claim 1 that are not disclosed by Groath have been replicated above in bold type.

Claim 1 has been amended to add the third electronic device, which loads the probe into the first electronic device. Groath does not include the loading of a probe as claimed in claim 1. Accordingly, Groath does not disclose all the elements of claim 1 and cannot anticipate claim 1.

Based on the foregoing, the applicant requests reconsideration of the rejection.

CLAIMS 2-7

Claims 2-7 are dependent on claim 1 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 8

Claim 8, as amended herein, is restated as follows:

A computer network comprising:

a computer associated with at least one first electronic device, the association providing for the transfer of data between said first computer and said at least one first electronic device;

a second electronic device connected to said first electronic device;

said computer having a computer-readable medium associated therewith, said computer-readable medium containing instructions for controlling said computer to monitor said network by:

loading a probe in said first electronic device, wherein said probe transmits data to said second electronic device, measures the response time of data transfers between said first electronic device and said second electronic device, and transmits said response time to said computer;

comparing the measured response time to a preselected response time; and

providing an indication if said measured response time is greater than said preselected response time.

Some portions of claim 8 that are not disclosed by Groath have been replicated above in bold type.

Claim 8, as amended herein, includes loading a probe, which, as set forth above, is not disclosed by Groath. Accordingly, Groath does not disclose all the elements of claim 8 and cannot anticipate claim 8.

Based on the foregoing, the applicant requests reconsideration of the rejection.

CLAIMS 11-16

Claims 11-16 are dependent on claim 8 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 17

Claim 17, as amended herein, is restated as follows:

A method for monitoring a computer network, said method comprising:
loading a probe in a first electronic device, said first electronic device being a network device, wherein said probe causes said first electronic device to transmit data to at least one second electronic device, wherein said probe measures the response time of data transfers between said first electronic device said at least one second electronic device, and wherein said probe transmits said response time to a computer;

establishing a preselected data response time between said first electronic device and at least one second electronic device;

comparing said preselected data response time to said actual data response time; and

providing an indication if said actual data response time is greater than said preselected data response time.

Some portions of claim 17 that are not disclosed by Groath have been replicated above in bold type.

Claim 17, as amended herein, includes loading a probe, which, as set forth above, is not disclosed by Groath. Accordingly, Groath does not disclose all the elements of claim 17 and cannot anticipate claim 17.

Based on the foregoing, the applicant requests reconsideration of the rejection.

CLAIMS 19-24

Claims 19-24 are dependent on claim 8 and are deemed allowable by way of their dependence and for other reasons. Therefore, the applicants request reconsideration of the rejections.

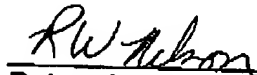
In view of the above, all of the pending claims are now believed to be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,

KLAAS, LAW, O'MEARA & MALKIN, P.C.

February 10, 2004

By:



Robert Nelson
Registration No. 37,898
1999 Broadway, Suite 2225
Denver, CO 80202
(303) 298-9888